

The Principles of Thomas Jefferson

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T H E S I S F O R T H E D E G R E E

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The Principles of Thomas Jefferson.

John Fiske says, "It was Thomas Jefferson, president of
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the United States from 1801 to 1809, whose sound democratic instincts and robust political philosophy prevented the federal government from becoming too closely allied with the interests of particular classes and helped to make it what it should be - a government of the people by the people by the people and for the people." If this assertion be true, Thomas Jefferson deserves a grateful and lasting remembrance at the hands of generations yet to be. But what principles did he infuse into our government to make it what it ought to be - "A government of the people and by the people and for the people"? The answer is that he stood for "equal rights for all and special privileges for none"; the rights of the individual; the universal education of the common people; the regulation and final abolishment of slavery; the abolishing of entails; universal suffrage without property qualification; freedom of the press; the right of trial by jury; a sound financial system; economy in governmental expenditures; "commerce with foreign nations without entangling alliances"; the expansion of the country; and the development of the Great West.

The years preceding and following the Declaration of In-

dependence, and the formation of the American union was a period of rapid transition. Great events were transpiring among the nations of the world. Political and economic forces had been at work not only in the new world but on the continent of Europe. These had slowly been producing two doctrines that began vigorously to assert themselves,- the one the political independence of the individual, the other his economic independence. It is reasonably certain that among distinguished Americans ^{1.} who pronounced definite and weighty opinions on the forces that were operating to sever the connection of the colonies with the mother country and their consolidation into an independent nation, their relation to each other, to the general government and to the nations of the world, none have been so generously remembered by tradition as the author of the Declaration of Independence - Thomas Jefferson. Why is this? It is because these opinions are continuously linked with the interest of the individual. In other words he pronounced opinions on questions that appeal to human nature; to human interest.

The usual experience has been that the names and opinions of men who have occupied positions high in the councils of the nation, even during the most eventful and momentous periods when their efforts wielded and directed the political power which was of the most vital and far-reaching consequences to our

1. Adam Smith's Wealth of Nations, Book 4, V. 2, p.62.

national wellbeing, have passed into oblivion at the expiration of their political activity. Too often has this been the fate of those whose services and sacrifices richly deserve a grateful remembrance of their countrymen.

Two dominant ideas vigorously manifested themselves in our political life in the years immediately following the establishment of the federal union. The one idea assumes that the strength stability and interest of a nation depended upon its propertied class; the other idea assumes that the interest of a nation, its wellbeing as a whole, the perpetuity of self government depended upon the people in mass. The foremost expounder of the former idea was Alexander Hamilton, one of the greatest constructive statesmen and ablest financiers that ever shared in the directing of the affairs of the American government; while the foremost expounder of the latter idea was Thomas Jefferson, the third president of the United States, and it is due to this fact that his name and "supposed opinions" have become traditional. I say traditional because so few have any correct conception of his ideas of government and its relation to the individual in his political and economic activities. Jefferson was a many sided man and to understand him one must have an historical conception of his time. Were he and his time better known it would be impossible for the unscrupulous politician to quote him "to suit his purposes". There is always danger that if a man's tradition becomes so strong,

and his principles so little known and understood, his mere name can be used to further the ends of unworthy principles and unprincipled men.

Jefferson has been charged with inconsistency, and in a measure this is true. But his inconsistencies are largely apparent and it is due to the fact that both his opinions and his time are so little understood that so many inconsistencies are found in his ideas on political and economic problems. His so-called changes on political and economic questions were often adaptations of his old policies to new conditions. Jefferson was an important figure in the great transitional period of our history, and under such rapidly changing conditions, events and circumstances would invariably be found to modify and even change his opinions in regard to what is best for the national welfare without the shadow of real inconsistency. For instance, many statesmen whose names are linked with the national affairs in the years immediately following the Revolution were in favor of free trade, but the action of Great Britain in refusing to make such a concession led them to favor levying duties on her imports and tonnage on her vessels as a means of retaliation. On account of this change of attitude no one would for a moment accuse them of being inconsistent in their commercial policy. Furthermore the economic conditions of a new nation are vitally different from those found in an old country, and its industries may need legislation of a widely

1. Anson D. Morse, political Science Quarterly, V. 11, p. 70.

different character. Now I do not mean to imply that he was always consistent in his policies; that he was not at times in error; but that many of his so-called inconsistencies were only apparent,- the adaptation of old principles to new conditions.

Before entering upon the main points of this discussion it might be well to give some attention to forces that culminated in the separation of the colonies from the mother country, and their formation into an independent nation. Since the passage of the Navigation Acts by Parliament in 1660 there had been a continuous growth toward separation. Parliamentary laws passed with a view of enriching the mother country at the expense of the colonies from their very nature, if persisted in, were destined to produce an armed resistance.

England's early colonial policy was purely economic, and as long as she strictly confined her legislation to the regulation of trade from this standpoint, the colonies submitted however unjust and oppressive they might think them. Now what do I mean by a purely economic policy? It is a policy designed to control trade by the enacting of laws without reference to obtaining a revenue. Laws designed to regulate commerce with the idea of raising a revenue become political in their aspect. In other words the principle of taxation is introduced. It was the inauguration of this latter policy that called forth first protests and resistance, and the final separation between them.

1. Taussig, Tariff History of U. S. p. 14.
W. J. Ashley, Quarterly Journal of Economics, V. 4, p. 5.

In addition to the inconsistent colonial policy of Great Britain, political and economic ideas were undergoing great changes. The tendency of these ideas was towards the independence of the individual. In other words "laisse faire" animated the spirit of the times.

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In the further discussion of this subject I shall first attempt to take up those opinions which deal largely with the relation of the citizen and the state from a political standpoint, and later those which largely concern them from an economic standpoint. This arrangement is a mere matter of convenience for the political and economic interests of the citizen in his relation to the state are wellnigh inseparable.

Jefferson early in life had decided and pronounced opinions on government and its relation to the individual. In 1774 he declared that the "inhabitants of the several states of British America are subject to the laws which they adopted at their first settlement, and to such others as have been since made by their respective legislatures duly appointed with their own consent. That no other legislature whatever can rightly exercise authority over them, and that their privileges they hold as the common rights of mankind confirmed by the political constitution, that they have respectfully assumed, and also by several charters of compact from the crown."

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It will be seen by this statement that he denied the right of Parliament to "exercise legal authority over the British

1. Adam Smith, Wealth of Nations, Book 4, p. 66.
2. Resolution of Albemarle Co., 1774, V. 1, p. 418.

States of America" and that "they are subject to no laws except those having origin among themselves." And it might also be said in addition that no country could exercise legal authority over a foreign possession without their consent. To this doctrine that all legal authority resides among the people and can only be rightfully exercised by those who derive it from them with their consent, he adhered to the end of his career.

Republican Form of Government.

The right of the citizen was the basis of his political creed. He favored a republican form of government more than any other because he believed the liberty and interests of the individual the most secure under it. To him the real object of government is to protect the citizen in the rights necessary

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for wellbeing. "That he has rights inherent and inalienable" and that the government which gives the citizen the fullest measure of these rights consistent with that of his fellows realized its highest end. His preference for a republican form of government does not mean that he deemed all people capable of carrying on that kind of a government for he fully realized "the excellence of every government is its adaptation to the state of those to be governed by it". To be more explicit, a

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republican form of government is good for those who are capable of exercising it so as to derive benefit from it. "Were I", says he, "to assign to this term (republican form of government) a precise and definite idea, I would say purely and simply

1. D. of Indiana, V. p. 43.

2. L. P. S. Dupont de Memono, Apr. 2, 1816, V. 10, p.22.

it means a government by its citizens in mass acting directly and personally according to rules established by the people; and government is more or less republican in proportion as it has in its composition more or less of this ingredient". That

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such a form of government in its highest sense would be inadequate for any extent of territory beyond that of a New England township or similar political division was fully realized by him, and a government adequate to meet the demands of a larger territory must be "representative, composed of men chosen in mass". However, in his opinion "these townships of New England are the vital principle of their governments and have proved themselves the surest invention ever devised by the wits of man for the perfect exercise of self government". In other words,

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the more direct control the people exercised in the affairs of government the more secure their liberty and interest and the purer their government. Government is a matter of business with the citizen, the more he gives his time and thoughts to it, the more benefit he will derive from it. The farther the government is away from the citizens the less benefit they will derive from it, and the greater the danger of its becoming oppressive; the nearer the people are to the government the less the danger of its becoming oppressive and the more easily can its powers be rectified when misapplied. Government, according to Jefferson, is good or bad as it protects and pro-

1. John Taylor, May 26, 1816, V. 10, p. 27.

2. Kercheral, July 12, 1816, V. 4, p. 37.

notes the interests of the people; that it should afford to the individual the freest and fullest possibilities consistent with the rights of others, that is, man not only had the right to the "preservation of life, liberty, and the pursuit of happiness" but it was the duty of the government to enlarge the scope for his activities. It is necessary to secure the happiness and wellbeing of society, and when a government becomes "destitute of these" it is the "right of the people to abolish it". Jefferson believed in the idea of the government letting things alone. Here he was but carrying out the idea of the great expounder of "laisse faire", Adam Smith, who in his epoch-making work strongly advocated the idea that the individual should not be hampered in his industrial and economic activities by the government. However, this does not mean that the powers of the government should not be used to enlarge and improve economic conditions. For instance, he desired to secure all the commercial advantages possible to the country that the people might enjoy its benefits, but that he should be left alone to carry on his own business.

The Idea of the States.

The political conditions under the Articles of Confederation showed that they were inadequate as a form of government for the states. At this time two forces were working against each other - the idea that the states should retain almost absolute power to themselves; and the other idea, sup-

ported by the irresistible succession of events which made it imperative that some kind of a national government should be established with adequate power to perform the functions necessary for the interest of the states as a whole. Previous to the Declaration of Independence the states had been independent of each other and it was only a common grievance that forced them to united action against a common enemy. After hostilities ceased the states began to act more independently again, and even to show open hostilities in some instances, toward each other. The fear of the states to grant the federal government too much power lest it might interfere with its relations to the citizens may seem surprising to any one who has not an historical conception of the political conditions previous to the formation of the federal government, but when the previous lack of a common interest among the states in their commercial relations is taken into account the fear of the states that the new constitution would deprive them of the necessary power to exercise their own essential function as individual states does not seem strange or inconsistent, however mistaken or unfounded. It was feared that the federal government might not only encroach upon the states as a whole, but that it might pass laws depriving the citizen of rights enjoyed under their jurisdiction. In a word, it might destroy the right of the individual.

Jefferson's correspondence during his official stay in France showed that he clearly saw that a union of the states

capable of harmonizing the different elements at home, and of securing commercial prestige abroad was absolutely indispensable to their welfare.

Power of National and State Government.

After expressing his gratification to Edward Carrington at the way in which his country approved of the proposition to hold a federal convention, he says, "My general plan would be to make the states one as to everything connected with foreign nations and several as to everything purely domestic." 1. Again writing under date of August fourteenth, "I wish to see our states made one as to all foreign and several as to all domestic matters, a peaceful mode of compulsion over the states given to Congress and the powers of this body as in the states divided into three departments - legislative, executive and judicial." From the above it will be seen that he realized the necessity of a union of the states to present a united front in dealing with foreign powers, but he was afraid to give the central government sufficient power in domestic affairs, which was a weakness in his scheme of government. It is as necessary for the federal government to have power in domestic as foreign affairs. In foreign affairs there would be a common interest to make them act together; but there would be no such incentive to harmonious action in those of a purely domestic nature. Jefferson did not fully realize the magnitude of the importance in "purely domestic affairs" as the economic and political interests of the states are largely dependent

1. August 4, '87, V. 4, p. 424.

upon the federal government. Had he said that the states should be left free to manage those affairs within themselves which concerned the individual state, and those interests which might not conflict with those of other states; that is, those domestic interests which concerned two or more states should not be controlled by the states individually but by their united action, his scheme would not have been subject to criticism. The fault of Jefferson was that he carried the purely domestic affairs of the states to include too much. For instance, a rebellion within a state may be said to be a purely domestic affair, but it is absolutely essential to the safety and security not only of property but also of the federal government itself, that it should possess the power to suppress it in case the powers of the state are inadequate to handle the situation.

In the second place, the idea that Congress should have but "a peaceful mode of compulsion over the states" is manifestly inadequate to enforce obedience to national laws and even to secure concerted action in time of danger. However, his program dividing the powers of the government into three departments, legislative, judicial and executive was a feasible as it was soon after evolved out of the federal convention.

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Opinion on Constitution.

After the proposed constitution had been submitted to

the states for ratification, Jefferson expressed himself as in favor of it as a whole, but disliked some of its features, especially the "want of a bill of rights, and the perpetual re-eligibility of the president". These and the remedy of the first defect were pointed out. Of these defects he says, "I was much pleased with many essential parts of this instrument from the beginning, but I thought I saw in it many faults ^{1.} great and small. What I have read and reflected has brought me over from several of my first objections of the first movements and to acquire under some other. Two only remain of essential considerations to wit, the want of a bill of rights and the expunging the principle of necessary rotation in the office of president and senate. At first I wished that when nine states should have accepted the constitution so as to insure us what is good in it, the other four might hold off till the want of the bill of rights, at least, might be supplied. But I am now convinced that the plan of Massachusetts is the best, that is, to accept and then amend afterwards." This letter leaves no doubt as to his being in favor of the constitution and the amending of the constitution immediately supplying a bill of rights, shows that his objection to this feature of the constitution was well founded. Furthermore the action of the first president followed by that of Jefferson have for all practical purposes remedied the want of a feature preventing the "re-eligibility of the president". "I conceive," he says, "there may be difficulty in finding general modification

of these, suited to the habits of all the states, but if such cannot be found, then it is better to establish trials by jury, the right of habeas corpus, freedom of religion in all cases, and to abolish standing armies and monopolies in time of peace than not to do it in any." That the first three of these provisions to insure liberty of the citizen must necessarily be embodied in the constitution goes without dispute. Any half-way measure with regard to these safeguards of human liberty would have proved ineffectual. Whether any provision for the prevention of monopolies in all cases would have been beneficial is problematical. However a provision in the constitution giving the federal government power to regulate monopolies would have been of incalculable benefit to the country. It would not only have saved the country from the abuses of monopolies but would have saved the legislative bodies of our state and national government an endless amount of work by enabling them to enact laws without the fear of coming in conflict with the constitution. But, of course, the people feared that the government was getting too much power, and a provision of that kind would in all probability have been antagonistic to the spirit of the time. Jefferson's idea that the "benefit of even limited monopolies is too doubtful", opposed to their general suppression, is well worthy of our thought and consideration as it shows that he clearly perceived the possibility of monopolistic danger. Furthermore, it

shows his broad conception of human rights; that government ought not only to remove the restraints from the individual in his economic activities, but to restrain them did he carry them to the injury of others.

Danger of Centralization of Power.

In his famous Gerry letter, Jefferson says: "I am for preserving to the states the powers not yielded by them to the union and the legislature of the union, its constitutional share in the division of powers; and I am not for transferring all the powers of the states to the general government."¹ No opinion of Jefferson has been so severely criticised or more warmly commended than that of the citizen's relation to the state and national governments. Conflict between the laws of the state and national governments have nearly always been over the control of its citizens. This question of who shall exercise jurisdiction over the citizens and their activities in many cases is as unsettled today, and if present prediction do not fail it will be a problem for serious consideration for the future which may solve it, though the past has failed. In the eyes of many, the federal government has, since its inception, been continually assuming powers irrespective of the rights of the states. To Jefferson the assumption of powers by the national government irrespective of the states' rights was one of the gravest dangers confronting the American people. According to his theory of government, the state is adapted to

1. Jan. 26, 1799, Vol. 7, p. 325.

preserve the liberty of its citizens as they were nearer to it in their political relations, that being nearer to them it is more amenable to their wishes and less likely to deprive them of their rights. Jefferson's opinions of what powers the national government ought to exercise over its citizens are vigorously set forth in the Kentucky Resolution provoked by the enactment of the Alien and Sedition laws which he considered unconstitutional. According to our acceptance of the constitution the contention set forth in these resolutions that the "government created by this compact (constitution) was not made the final judge of the extent of the powers delegated to itself" is undeniably wrong. If the national government is not to be made the judge or rather some department of it, the judge of its own actions it is difficult to see how it would have sufficient power to keep the states together. It is safe to say that were the states to be the judges of what laws they were to obey or not obey the national government would not long maintain its existence, as sectional interest would soon cause it to become dismembered even in our day. The resolution further stated that "where powers are assumed which have not been delegated a nullification of the act is the remedy." To nullify an act by a state is not to allow it to be enforced without orders. Were this power accorded to the states to nullify an act of the general government the general government would soon lose its prestige and power and dismemberment would be the result. To be precise, Jefferson according to his statement in these resolutions believed that the national

government should exercise the power that was delegated to it by the constitution, and no more. Time has not justified this doctrine, as there are constantly new conditions that arise in the province of the federal government that demand legislative action. Jefferson's change of attitude on this question in regard to the course taken by New England to the Embargo act causes me to question his sincerity on this question; that is, whether he really believed that a state had the right to nullify an act of Congress. It seems more reasonable that he used it as a weapon to compel the federal government to desist from passing laws which he deemed unconstitutional and attacks upon the rights of the individual. During the same year that he penned these resolutions Jefferson wrote to John Taylor saying that "this party division is necessary to induce each to watch and relate to the people the proceedings of the other. If on a temporary superiority of the one party, the other is to resort to a secession from the union no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut we break the union, will the evil stop there? Suppose the New England states alone draw off, will our nature be changed? Are we not men still to the south of that and with all the passions of men? A little patience and we shall see the reign of the witches pass over, their spells dissolved and the people recovering their true rights, restoring their government to the true principles"

Since he abhorred secession as from its very nature it would dismember the union without preserving it in the future from some similar disaster, it is hard to believe that Jefferson, whose doctrines were so wholesome and sound on so many political and economic problems, did not realize that the nullification of an act of Congress by a state would inevitably result in the very thing which he feared.

The question of how much power should be exercised by the federal government and how much by the states or rather how far the federal government should be extended to meet new conditions that demand legislative action is still debatable, though the question has been shifted to how far can the state legislature on matters within her borders without coming in conflict with federal laws. The recent clash between the federal and state courts in North Carolina and Minnesota and the recent decision of the Supreme Court in these cases emphasize the continuous absorption of power by the federal government.

On the same day that the Supreme Court announced its decision in these cases one of the foremost jurists of the present time made the statement, "I tremble to think what the government would be if everything were centered on the Potomac in the District of Columbia. The states, the government and the legislature must not lose their sense of responsibility in respect to their duty within this function lest the movement in favor of minimizing the state power shall gain strength." 1.

1. W. H. Taft before Chamber of Commerce. Trenton, N. J.
Mar. 23, 1908.

Relation of Federal Government to Foreign Power.

Jefferson's public career both as Secretary of State and later as President was beset with difficulties with foreign nations. The foreign affairs at that time were of a commercial nature. Almost the entire diplomacy and statesmanship of that period were bent toward securing favorable commercial treaties with foreign powers as the prosperity and wellbeing of the country depended on free commerce. In 1793 hostilities broke out between England and France. Jefferson's desire was for the United States to remain neutral with the privilege of engaging in trade between both of these belligerents and their possessions and much of his official activities while at the head of the department of foreign affairs were occupied in trying to secure these rights. Added to the difficulty of securing neutral rights to American shipping was the action of the French officials in this country and even of its own citizens of making depredations on British commerce. To a complaint made by the British minister charging the French consul together with the citizens of the United States with violating the laws of neutrality by making attacks upon British commerce, he replied, "that the United States condemned in the highest degree the conduct of any of our citizens who may personally engage in hostilities at sea, among any of the nations parties to the present war and will exert all means with which the laws and constitution have armed them to discover such as offend here and bring them to condign punishment." 1.

1. June 14, 1793, V. 4, p. 294;

Again in writing to the French minister upon the same case, "After fully weighing again however, all the principal circumstances of the case, the result appears still to be that it is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits and the duty of a neutral nation to prohibit such as would injure one of the warring powers and that granting military commissions within the United States by any other nation than their own was an infringement on this sovereignty and particularly so when granted to their own citizens to lead them to commit acts contrary to the duties they owe to their country." In other words, it was the duty of a neutral power to prevent its own citizens and officials and other representatives of foreign nations from committing depredations upon a belligerent, and that no power had a right to exercise sovereignty within the limits of another.

Embargo and Non-Intercourse Act.

Jefferson's administration was the subject of unusual embarrassment on account of the British Orders in Council and the Berlin and Milan Decrees. British vessels hovered around our coast and frequently attacked American merchantmen. The old idea that "of taking the goods of an enemy from the ship of a friend" was pursued by Great Britain while the United States contended that "free ships made free goods". Of this

1. June 5, 1793, Vol. 6, p. 285.

2. U. S. Minister to France, Sept. 9, 1801, V. 8, p. 88.

latter principle Jefferson said: "Indeed it is now urged and I think with great appearance of reason that this is a genuine principle dictated by national morality." His seventh annual message regarding the depredations of Great Britain says: "You well know the long train of injuries and depredations under which our commerce and navigation have been afflicted on the high seas for years past. These violations we have met with friendly remonstrance only,^{1.} always indulging the hope that reason would at length prevail over the dictates of mistaken interest and that voluntary redress would spare us the actual calamities of war."

What remedies did he have to bring Great Britain to terms for her misbehavior toward the United States? He favored "peaceful measures which may coerce the belligerent powers into an obedience to the laws within our waters so as to avoid using the gunboats if possible; a non-intercourse act may be necessary; but would not the power to forbid the admitting to entry any vessel of a belligerent so long as there should be an armed vessel of the nation in our waters in a state of disobedience to the laws of lawful order of the Executive be effectual; making it lawful for us at the same time to give admittance to the armed vessels of a belligerent on such terms only as we should prescribe."

The difficulty and failure which attended the attempt to bring Great Britain and France to come to terms by refusing to admit their merchantmen until they should withdraw their "armed vessels from our waters" that is, the attempt to use

^{1.} V. 8, p. 482.

coercion to secure concessions for American commerce proved very disastrous. In pursuance of this policy the Embargo Act was passed. Jefferson soon saw the inevitable result of such a policy. For says he, "I take it to be an universal opinion of the union that war will become preferable to the continuance of the Embargo Act after a certain time. Should we not then avail ourselves of the intervening period to procure a retraction of the obnoxious decree, peaceably if possible? I wish to consider therefore the following courses of proceeding, to wit, to instruct our ministers at Paris and London by the next packet to propose immediately to both these powers a declaration on both sides that these decrees and orders shall no longer be extended to vessels of the United States. There will arrive a time when our interests will render war preferable to a continuance of the embargo; when that time arrives if one has withdrawn and the other has not we must declare war against the other; if neither shall have withdrawn, we must take our choice of enemies between them." It is quite probable that Jefferson realized previous to the enactment of the Embargo that it would prove very disastrous to American shipping interests. His advocacy of its adoption then can only be justified on the ground that it was the last expedient to avert war, thinking that hostilities between the belligerents would cease in the meantime. For no one knew the consequences of war better, nor dreaded it more than he.

Jefferson and his party have been severely criticised for not resorting to other means to force the belligerents to recognize the rights of American shipping interests. "Free commerce with all nations and entangling alliances with none" sounds very well, but circumstances are not always such that nations will readily accede to these conditions. Nations are like men, the stronger will take advantage of the weaker. Had the United States at that time possessed a navy capable of retaliating, which would not have been possible for her at that time, no doubt Great Britain and France would have been willing to have accorded her neutral rights. These belligerents cared little for the entreaties and protests as long as there was no physical force behind them. The Jeffersonian policy of being afraid of a sufficient navy because of its cost and its placing too much power in the hands of a federal government was manifestly largely responsible for the embarrassing conditions of our foreign commerce at that time. His policy of "relying on such a naval force only as may protect our coasts and harbors from such depredations as we have experienced and not a navy which by its own expenses, and the eternal wars in which it would implicate us will grind us with public burdens and sink us under them," was not aggressive enough to meet the requirements of the time. To the contention that a large navy was expensive it might be said that the maintenance of a navy is much cheaper than war, and even if the nation is not involved in war, as we were finally, a navy is no mean asset.

asset. As to the other contention that it would involve us in continual wars the reverse is often the case; for the war of 1812 showed that one decisive maritime victory is worth a hundred remonstrances. In support of this theory that we should have vessels for coast defence only, his fourth annual message says, "The economy of their maintenance and prevention from decay when not in use, actual service and the competence of our finances to this defensive provision without any new burden^{1.} are considerations which will have due weight with Congress in regard to the expediency of adding to these from year to year as experience shall test their utility until all our important harbors by their auxiliary means shall be insured against insult and opposition to the laws." This policy of maintaining a coast defence was a good one as far as it went, but it was inadequate to protect the shipping much less retaliate for depredations upon it.

Alexander Johnson says that "the Embargo and Non-intercourse acts were a result of the reluctance of Jefferson and his party to establish a navy of sufficient power to protect the American shipping interest." Jefferson had a true instinct as to what should and should not be done, but his means used to accomplish the end in this case was at fault. 1.

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The Supremacy of the Civil Power.

As he was very desirous of the supremacy of the civil over the military power, he was opposed to a large standing

1. V. 8, p. 323. 2. Taylor Encyclopoedia. Art. on Embargo, p. 188.

army. In his estimation it was a menace to liberty, and the smaller the regular force the safer the rights of the citizen. Jefferson believed that the government that governed the least fulfilled its highest end. To him a well disciplined militia was our "best reliance in peace and for the first moments of war till regulars may relieve them". However, the danger of the supremacy of the military power was not the only motive that led him to prefer a well disciplined militia to a regular army in time of peace. As the maintenance of a standing army involved heavy expenditure which was at this time objectionable for the reason that it was expedient to keep the expenses of maintaining the government as low as possible to meet obligations and establish credit among the nations of the world.

Powers of the Executive.

Previous to his becoming president, Jefferson held that the legislative was the one active law-making body. He was afraid that the executive would absorb too much power; that the legislative was the department nearest to the people consequently the most likely to preserve their liberties. "I am not," says he, in his famous Gerry letter, "for transferring all the power of the legislative to the executive". But when he became president he soon realized that it was necessary for him to wield power and act promptly in emergencies; that it was necessary for him to exercise power in governmental functions as well as the legislatures; that the value of a strong executive lies in the fact that he has power and can use it not only ne-

gatively but positively as well; that the success of an administration lies in the fact that the executive has the power of initiation. His acts independent of the legislative department on various occasions for the public good show that he lost all fear of the president usurping too much power at least when it was in his own hands.

The Right of Expatriation.

It was upon those questions that involved the rights of the individual that drew forth Jefferson's best efforts and his ideas upon these questions have always been the subject of deep study by students of politics and law. As early as 1806 he held that the "right of expatriation was inherent in every man by the laws of nations and incapable of being rightfully taken from him.... The right of expatriation may be exercised. The individual may do it by any effectual and unequivocal acts or declarations"¹. And again in 1817 he said regarding the right of one individual to renounce his allegiance to one country and take up that of another: "That my opinion on the right of expatriation has been so long ago as the year 1776 consigned to record in the Act of the Virginia code drawn by myself recognizing the right expressly and prescribing the mode of exercising it."

².

Slavery.

Jefferson declared early in life regarding the rights of the bound negroes and their descendants that under the law of

1. To Sect. of Treas., Vol. 8, p. 458.

2. Dr. John Manner, Vol. 10, p. 86.

nature all men are born free; every one comes into the world with a right to his own person which includes the liberty of moving and using it at his own will. This is what is called personal liberty and is given him by the Author of nature because necessary for his own sustenance. Because he advocated that slavery was wrong, and that no society had a right to enslave men, it must not be taken for granted that he deemed them fitted for citizenship. On the contrary his views upon the negro's ability to exercise political rights, and adaptability to economic conditions are those held by the closest students of the race. problem today. To him, the idea of "abandoning persons whose habits have been formed in slavery, is like abandoning children, and he who is not permitted by law to have property cannot realize that property is founded upon any authority but force. "At that time he had grasped the real heart of what was destined to become a century later a most perplexing social problem. His annual message on 1806 states: "I congratulate you, fellow citizens, on the arrival of the period at which you may interpose authority constitutionally to withdraw the citizens of the United States from further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality and the best interests of our country have long been eager to proscribe."

In expressing his opinion on this same question in 1807, he adhered to the principle of gradual emancipation, of estab-

1. Howell vs. Metherland V. l. p. 73.

2. Edward Bancroft, V. 5.p.66.

3. V. 8,p.492.

lishment on the coast of Africa and the patronage of our nation until the emigrants shall be able to protect themselves". "Personally," he says, "I am ready and desirous to make any sacrifice which will insure their gradual but complete retirement from the state and effectually at the same time establish them elsewhere in freedom and safety."

His opinion that the slaves were not fitted for citizenship, that their emancipation should be gradual, and that the best method of disposing of them was to establish them on the coast of Africa "under the patronage of the United States" are ideas which, had they been followed, would not only have saved the nation a vast amount of life and property, but would in all probability have been the solution of the great social problem of today,- What to do with the negro.

Appointment of Officials.

The number of official positions whose incumbents depend upon the political affiliation of the executive has always been a weak spot in our system of government. The so-called "spoils system" has been the cause of needless expenditures and deficient service, besides a source of political corruption. It is of interest to note that Jefferson's view of this system in the early part of his administration. According to him, "malconduct is just ground for removal; but mere difference of political opinion is not". Says he, "The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in o-

pinion. Those who have done ill have nothing to hope; nor shall I fail to do justice lest it should be ascribed to that difference of opinion." In other words, he believed that honesty and capability should govern the appointment of public officials and not party service, or party influence; and that appointments should be made for the interest of the service and not as a reward for party service.

Suffrage.

Jefferson believed in what many at that time were alarmed about, general suffrage. "Had I been there," (when the constitution of Virginia was formed) he says, "I should probably have proposed a general suffrage; because my opinion has always been in favor of it. Still I find very honest men who, thinking the possession of some property necessary to give due independence of mind, are for restraining the elective franchise to property. I believe we may lessen the danger of buying and selling votes by making the number of voters too great for any mean of purchase." Of course it was natural that he who was the foremost expounder of the doctrine that all political power comes from the governed, should be in favor of general suffrage. The popular clamor for the primary at the present time is nothing more than a desire to take the power of selecting the candidates out of the hands of a few individuals and to place it in the hands of the people to eliminate the unwhole-

1. Elbridge Gerry, Mar. 29, 1801, V. 8, p. 40.

2. Jeremiah Moor, Aug. 14, 1800, V. 7, p. 454.

some abuses" by making the number of votes too great for any³ means of purchase". This question is "atill debatable" and experience shows that general suffrage without either an educational or property qualification is subject to great abuse, but the opinion prevalent now seems to be that though universal suffrage is full of defects yet its restriction among the white population would not improve either political or social conditions. General suffrage in the beginning of the century and now are two widely different things: At the earlier period universal suffrage would include but the native white population together with a small number of foreigners, while now it would include besides the native white population, an alarming number of foreigners from all parts of Europe and the negroes, who in some states are more numerous than the whites.

However, it must not be supposed that Thomas Jefferson did not fully realize the necessity of an educated public to the perpetuation of a successful democratic government. For according to him the primary object of education is to promote good government. We are apt to think that our forefathers' estimate of the value of an education was based on its importance to the individual in an economic and social sense. Such ideas are erroneous. I do not mean to say that they did not recognize the value of an education in this sense, but that was not the primary object of education with them. For as Jefferson says, "The most important bill in our code is that for the diffusion of knowledge among the people; no other sure foundation can be

devised for the preservation of freedom and happiness... Preach, my dear sir, a crusade against ignorance, establish and improve the law for education of the people."

Economy in the Management of Government.

Economy in the administration of government affairs was one of the fundamental principles of Jefferson's creed. In his first inaugural address he says, "Economy in public expense that labor may be lightly burdened." And again in his first annual message: "There is reasonable ground of confidence that we may now safely dispense with all the internal taxes comprehending excises, stamps, auctions, licenses, carriages and refined sugars to which the portage on newspapers may be added to facilitate the progress of information and that the remaining sources of revenue will be sufficient to provide for the support of government to pay the interest on the public debt and to discharge the principals in shorter periods than the laws or other general expectation had contemplated. War indeed and untoward events may change this prospect of things and call for expenses which the imports could not meet, but sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen, we know not when, and which might not perhaps happen but for the temptation offered by that treasure."

2.

It may be said that Jefferson believed that a government

1. Vol. 8, p. 5.

2. Vol. 7, p. 108.

ought to be run like a well managed business; that is, it should be run as economically as possible and all expenditures not absolutely necessary to the running of the government should be avoided; that taxation should be sufficient to meet the necessary expenditures and the payment of the obligations as they come due. A war chest had no place in his creed nor had a large standing army or a navy. The principle of economy in the administration of government is commendable to the extent that it does not sacrifice the interest of the nation. However it may be carried to such an extreme that it sacrifices the political and economic interest of the people. The United States had not reached in his time, as previously stated, a position among the nations of the world which would allow her to retain her interest without maintaining an army and a navy.

The disastrous results of Jefferson's policy of economy which necessitated the reduction of the navy to such small numbers as to be incapable of protecting our commerce on the sea, have already been discussed. However, his principle of abolishing many needless offices, though not strictly followed by his successors has been an element of great good in our political life, by the one party's protesting against the creation of offices by the other, the incumbents of which could in no way render services to the government adequate to their compensation.

Agriculture and Manufacture.

In his notes on Virginia we find Jefferson's ideas of the

effects of the manufacturing industry upon the United States in these words: "While we have land to labor then let us never wish to see our citizens occupied at a work bench or whirling a distaff. ^{1.} Carpenters, masons, smiths, are wanting in husbandry, but for the general operations of manufacturing let our workshops remain in Europe. It is better to carry provisions and materials to workmen there than bring them to the provisions and materials, and with them their manners and principles. The loss by transportation of commodities across the atlantic will be made up in happiness and permanence of government. The manufacturies of great cities add just so much to the support of pure government as sores do the strength of the body."

In all probability Jefferson's extreme views on this subject were influenced by the hardships involved in the transition of the English manufacturing industry from the domestic to the factory system. He does not say that this country ought never to become a manufacturing nation, but that it ought to remain an agricultural nation as long as its soil was plentiful, as it is more conducive to the prosperity and happiness of the people and the welfare of the government. Furthermore, he was opposed to the manufacturing industry because it tended towards a congestion of population which gave rise to mobs, "which are a source of weakness rather than of strength to any government, much less a republican form of government which does not depend upon a standing army for its stability. However

as previously stated, Jefferson lived in the great transition period of both a political and economic movement. And it does not occasion any surprise to find that time and the experience should modify his views on the question, nor does it show any inconsistency on his part when we find his sixth annual message saying: "Shall we suppress the import and give that advantage to the foreign over domestic manufacturies? On a few articles of general necessary use, the suspension in due season will doubtless be right, but the great mass of the articles on which impost is paid is foreign luxury purchased by those only who are rich enough to afford themselves the use of them." In 1817 he further declared his faith in home manu-^{1.}facturies. "I was once a doubter whether the labor of the cultivator aided by the creative powers of the earth itself would not produce more value than that of the manufacturer alone and unassisted by the dead subject on which he acts. But the invention of later times by labor saving machines do as much now for the manufacturer as the earth for the cultivator. Experience too, has proved that mine was but half the question. The other half is whether dollars and cents are to be weighed^{2.} in the scale of real independence." In other words, Jefferson's views towards the manufacturing industry underwent a complete change during his career. To be more explicit, he believed not only in home manufacturies but also in protecting them by imposts against foreign competition. This change of belief was due, according to his own testimony, to the invention of labor

1. V. 8, p. 482.

2. Vol. 10, p. 13.

saving machinery which enabled the manufacturer to increase his power of production and to the fact that home manufacture gave the United States "real independence" from the commercial tyranny of the older countries.

United States Bank.

The measure to establish the Bank of the United States aroused Jefferson's unqualified opposition, and he set forth the unconstitutionality of such a measure in a lengthy opinion in which he holds that "All powers not delegated to the United States government by the constitution nor prohibited to the states are reserved to the people, and to take a single step beyond the boundaries of this specially drawn line around the powers of Congress is to take possession of a boundless field of powers no longer susceptible of any definition." However, his objection to the establishing a United States Bank was not based on his belief in its unconstitutionality, and that it would lead to a continuous stretching of the constitution to cover things which its framers never intended; but his objection was also pointed on the belief that it would cause a "deluge of speculation", drive gold and silver out of the country become a dangerous weapon in the hands of the federal government by which it might be used to unduly increase its powers; that its stocks would become fit subjects for gambling and high speculation. In short, he did not believe that the federal government ought to go into the banking business.

Paper Money.

The issuance of paper money, or bills of credit by the federal government to defray its expenses in emergencies has been of common occurrence. When the government resorted to this method during the War of 1812 Jefferson laid down three principles which he deemed essential in the issuance of paper money, namely, that it should rest on a tax, that the issue must be limited, and that it should bear interest to insure its ready acceptance by the people.

1.

Why did he desire that the issues should bear interest? Because the government has not other means of raising money other than by taxation, except the issuance of its credit, which must at some time be paid by these very means. No man who has any conception of the history of our government's issuing its credit in whatever form will deny that an issue resting on a tax designed for its liquidation within a specific time would be more readily acceptable by the public and in less danger of depreciation than an issue not resting on a tax levy for its extinguishment.

The second proposition, that an issue of paper money to insure its circulation without depreciation must be limited, was amply demonstrated during the Civil War when the government's issues were so large that those obligations not bearing interest declined below 40% of their par value.

1. John Weyler Eppes, June 24, V. 9, p. 338.

The third proposition, that the issues should be interest bearing to insure their ready acceptance by the public, is shown in the sale of government securities, other things being equal, the higher the rate of interest, the higher their market value.

Expansion.

Jefferson's purchase of the Louisiana Territory may not seem in accordance with his former policy of strict constitutional construction. It is interesting to note his attitude on the acquisition of foreign territory both before and after the purchase of Louisiana.

1.

As early as January, 1803, he wrote: "There is no constitutional difficulty as to the acquisition of territory and whether when acquired it may be taken into the union by the constitution as it now stands will become a question of expediency. I think it will be safer not to permit the enlargement of the union, but by amendment to the constitution." A later letter runs: "Our confederation is certainly confined to the limits established by the Revolution. The general government has no power but such as the constitution has given it; and it has not given it the power of holding foreign territory and still less of incorporating it into the union. An amendment to the constitution seems necessary for this." It will be seen from these ex-

2.

tracts that Jefferson first held that there was no constitutional difficulty in the acquisition of foreign territory, but

1. Gallatin, V. 8, p. 241.

2. John Dickinson, V. 8, p. 261.

there was a question as to its being taken into the union without an amendment to the constitution. But later he thought that the constitution did not "give" the general government the power of even holding foreign territory, let alone making it one of its constituent parts. However, it is not probable that Jefferson allowed the constitutional aspects to interfere with his attempts to acquire the territory west of the Mississippi.

1

The question was with him one of expediency. How to forever put at rest the danger of foreign intrigue, and to secure the free navigation of the Mississippi. The intrigues of the Spaniards together with the fear of foreign aggression from other quarters, made the acquisition of this territory a matter of self preservation to the American government. To add to this, Jefferson had unlimited confidence in the Great West and the possibilities of its development.²

Abolishing of Entails.

In the same year in which he wrote the Declaration of Independence, Jefferson drafted a bill and secured its passage for the³ abolishing of entails, in Virginia. James G. Blaine says: "When Mr. Jefferson struck the blow... that destroyed the privilege of entail he swept away the only ground upon which wealth can be secured to one family for a long period."

Internal Improvements.

The agitation for internal improvements assumed consider-

1. Winning of the West, Roosevelt, V. 4, p. 215.

2. V. 2, p. 103.

3. N. A. R. Jan. '90, p. 54.

able proportions during the first decade of the nineteenth century. Jefferson though he believed that the federal government ought to encourage the building of roads and canals, thought that an amendment to the constitution should be added before Congress had a legal right to make appropriations for this purpose. Of this question he says: "I had fondly hoped to set those enterprises into motion with the last legislature I shall meet. If the amendment is sent out this session, returned to the next, and no war takes place we may offer the plan to the next session in the form of a bill, the preparation of which should be the work of the ensuing summer."

1.

Conclusion.

From the contents of this discussion it is seen that Jefferson was not infallible. He was an individual and not a type, high-minded of course, with an unusual insight into the future more penetrating than most statesmen of his age. His principles were both sound and unsound; however, for the most part sound. But to say that his advocating a principle one hundred years ago puts a stamp of approval upon it for the present time is certainly erroneous. Conditions of the times change and measures good for one age may be wholly unsuited to the next. On the contrary, Jefferson himself even went so far as to change his views on important questions when he found that they were not suited to the interests of the country.

As previously stated, Jefferson had two fundamental principles, namely, to maintain the independence of the individual through a republican form of government, and to direct the powers of that government to secure for the people under it the greatest benefits capable of being derived through governmental functions. These were his principles. To achieve these his methods and policies were often changed. It was to perpetuate^{1.} these two principles in the government "he disregarded his early views" on the powers of the states, on the purchase of Louisiana, on the attempt to recharter the first Bank of the United States, on the protective tariff, on internal improvements, "and on the Embargo which destroyed commerce instead of protecting it".

1. A. D. Morse, *Political Science Quarterly*, V. 11, p. 73-74.

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